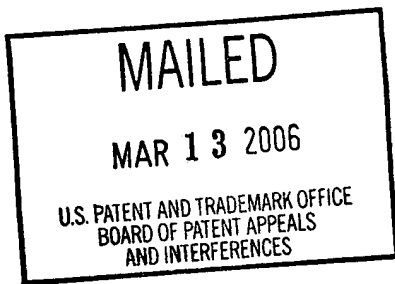


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte ROSARIO A. UCEDA-SOSA, GREGORY D. LAIB,
STEVEN R. CHAMPAGNE,
KAILASH N. MARTHI and MARCOS N. NOVAES



Appeal No. 2005-2356
Application No. 09/583,694

ON BRIEF

Before HAIRSTON, CRAWFORD, and BLANKENSHIP, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 6, 9, 10, 12 to 14, 17, 18, 20 to 22, 25 and 26. Claims 7, 8, 11, 15, 16, 19, 23, 24 and 27 are objected to as being dependent on rejected claims.

The appellants' invention relates to method of managing the connections between a client and replicated group servers of the distributed computing environment (specification, p. 2). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Ben-Shachar et al. (Ben-Shachar)	6,209,018	Mar. 27, 2001 (filed Nov. 13, 1997)
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White et al. (White)	5,933,490	Aug. 03, 1999
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The rejection

Claims 1 to 6, 9, 10, 12 to 14, 17, 18, 20 to 22, 25 and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ben-Shachar in view of White.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejections, we make reference to the answer (mailed June 1, 2004) and the final rejection (mailed September 17, 2003) for the examiner's complete reasoning in support of the rejections, and to the brief (filed March 11, 2004) and reply brief (filed August 2, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected the claims under 35 U.S.C. § 103 as being unpatentable over Ben-Shachar in view of White. We initially note that the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). Moreover, in evaluating such references it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

In the examiner's view, Ben-Shachar describes the invention as recited in claim 1 (see answer at page 5) except that Ben-Shachar does not explicitly teach that the direct connection of the client to another replicated server is performed by the client. The examiner relies on White for teaching a direct connection performed by the client.

The examiner concludes:

. . . It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of White within the system of Ben-Shachar by implementing the user to select another replicated server within the method, system and program of managing connections between clients and servers of a distributed computing environment because this allows for the user to have a choice as to which replicated server the user desire, or whether the user would like to proceed or cancel. In most instances, the action is automated and thus transparent to the user, but asking the user to select prior to an action being performed is not novel in terms of functionality. [answer at page 6]

The appellants argue that Ben-Shachar does not describe a method in which the servers of the group lack knowledge of the application-level information of a communication session of the client.

The examiner finds that Ben-Shachar describes this feature of the method of claim 1 at column 2, lines 7 to 17 and column 8, lines 16 to 32 (answer at page 5).

Ben-Shachar discloses at column 2, lines 7 to 17 that a client does not know where a CORBA object is executed but does not disclose that the server lacks knowledge of the application-level information of the communication session of the client. Ben-Shachar discloses at column 8, lines 16 to 32 that the workers 92, 94 and 96 are independent of each other or unaware of other workers so that the implementation of the worker needs to consider the resource logic only, not the service framework itself, but this portion of Ben-Shachar does not disclose that the server lacks

knowledge of the application-level information of the communication session of the client. Therefore, we agree with the appellants that the examiner has not shown that Ben-Shachar's servers do not have knowledge of application level information of a communication session of a client.

In addition, as the workers which perform the service are within the server (see Figure 3), it appears that the server does in fact have information about the communication session.


We have reviewed the disclosure of White and determined that White does not cure the deficiencies noted with regard to the Ben-Shachar reference.

In view of the foregoing, we will not sustain the examiner's rejection of claim 1 and claims 4, 5, 9, and 10 dependent thereon. Claims 2 and 3 contain the exact language recited in claim 1 with regards to the lack of knowledge of application level information of a communication by the server. Therefore, we will likewise not sustain the rejection as it is directed to claims 2 and 3 and claims 12 to 14, 17, 18, 20 to 22, 25 and 26 dependent thereon.

The decision of the examiner is reversed.


KENNETH W. HAIRSTON
Administrative Patent Judge

MURREL E. CRAWFORD
Administrative Patent Judge


HOWARD B. BLANKENSHIP
Administrative Patent Judge

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